

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

FREDERICK H. BANKS,

Defendant.

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Criminal No. 15-168

**MOTION FOR COURT ORDER AUTHORIZING AN INTERIM PAYMENT
TO COUNSEL PURSUANT TO THE CRIMINAL JUSTICE ACT**

AND NOW, comes the defendant, Frederick H. Banks, by and through his counsel, Marvin Miller, Esquire, and respectfully files this Motion for Court Order Authorizing an Interim Payment to Counsel Pursuant to the Criminal Justice Act for the following reasons:

1. The defendant was charged by Superseding Indictment charging Banks with Interstate Stalking pursuant to 18 U.S.C. §2261A(2) and 2, Wire Fraud pursuant to 18 U.S.C. §1343 and 2, Aggravated Identity Theft pursuant to 18 U.S.C. §1028(a)(1), and Making False Statements pursuant to 18 U.S.C. §1001(a)(3).

2. Counsel was appointed as substitute counsel to represent the defendant in this case pursuant to the Criminal Justice Act on February 20, 2018.

3. Early on in this matter, issues concerning Mr. Banks' competency were addressed and the Court ultimately found Mr. Banks competent to stand trial but not competent to represent himself at trial. Mr. Banks thereafter filed an appeal to the Third Circuit Court of Appeals on these issues. The Third Circuit has yet to issue its mandate and order on Mr. Banks' appeal.

4. Trial and other related matters have not been scheduled and are being held in abeyance pending receipt of the Third Circuit Court of Appeals mandate and order. Despite the

status of the case, Defendant continues to file numerous *pro se* motions which require the attention and response of counsel. There is currently a Motion for Pretrial Release pending on the docket.

5. Counsel is a sole practitioner, and since the date of his CJA appointment, the undersigned has expended a substantial amount of time and appreciable expense in representing the defendant including legal research and preparation, conferences with the defendant, and reviewing previous counsel's file. Additionally, counsel expended considerable time reviewing the voluminous Rule 16 material with the Defendant.

6. As such, this case has taken a significant investment of time to bring to this point. Under such circumstances, where there is an unusual amount of client involvement, client conferences, extensive review of voluminous Rule 16 material, and where representation has been extended and the case is not likely to conclude until sometime in the year 2019, it is respectfully averred that an interim payment is appropriate under the rules and guidelines of the Criminal Justice Act to prevent or minimize unnecessary financial hardship to counsel. Additionally, CJA payment processing takes at least two (2) months from submission of the voucher to receive payment.

7. The Finance Office has advised the undersigned that the Court's permission in the form of a Court Order is required for it to process an interim payment.

8. Therefore, CJA counsel requests leave of this Honorable Court to submit a one-time voucher for interim payment for her services from date of appointment, July 18, 2017, through June 30, 2018.

9. If this Honorable Court is inclined to grant counsel's request for a one-time interim payment, counsel shall submit her voucher no later than October 31, 2018.

WHEREFORE, for the foregoing reasons, defendant respectfully requests this Honorable Court enter an Order permitting the processing of counsel's voucher for a one-time interim payment.

Respectfully submitted,

s/Marvin Miller

Marvin Miller

PA I.D. #52946

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Dated: October 29, 2018

Attorney for Defendant,
Frederick H. Banks